

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ANDY L. SMITH §
v. § CIVIL ACTION NO. 6:07CV347
AMERICAN POSTAL WORKERS UNION §
LOCAL #1477, ET AL.

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The [Report and Recommendation](#) of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that Defendant's Motion to Dismiss ([document #67](#)) be granted and that the claims against the Union be dismissed with prejudice pursuant to Fed.R.Civ.P. 12(b)(6). Plaintiff filed written objections on June 5, 2008.

Having made a *de novo* review of the written objections filed by Plaintiff, the Court finds that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. The findings and conclusions of the Magistrate Judge are hereby adopted as those of the Court.

In light of the foregoing, it is

ORDERED that Defendant's Motion to Dismiss ([document #67](#)) is **GRANTED** and the claims against the Union are **DISMISSED** with prejudice pursuant to Fed.R.Civ.P. 12(b)(6).

Any motion not previously ruled on is **DENIED**.

SIGNED this 10th day of June, 2008.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE